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Date:

November 13, 2002

Please Deliver To:

Name:

William Muno

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Client/Matter #:

From:

Julie O'Keefe

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Re:

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MISSOURI KANGAE ILLINOIS WASHINGTON, DC NEWYORK, NY SHANGHAI SYDNEY

November 13, 2002

ATTORNEYS AT LAW

VIA FACSIMILE

Mr. William E. Muno, (S-6J)
Director
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re:

Sauget Area 2 Site - Groundwater Operable Unit

Sauget, Illinois

Notice under Section 122(a) of CERCLA and Unilateral Administrative Order (UAO)

Dear Mr. Muno:

We are writing on behalf of Eagle Marine Industries, Inc., Notre Dame Fleeting and Towing, Inc., Riverport Terminal and Fleeting and Towing (Notre Dame Fleeting and Towing Inc.'s name was changed to Eagle Marine Industries, Inc. and Riverport Terminal and Fleeting and Towing Inc. merged with Eagle Marine Industries, Inc.), ConAgra and Peavey Company (Eagle Marine).

EPA requesting an extension of time to respond to the UAO. It essentially concurs with the letter with one exception, so we felt we should write separately. The November 12 letter indicates that the signatories anticipated negotiating a monetary settlement with Solutia, which Solutia would use to implement the remedy. Eagle Marine's offer to Solutia is somewhat different, because part of the grout wall will permanently impact the Eagle Marine property.

Even before Eagle Marine received the UAO it met with Solutia on October 7, at Solutia's request, because Solutia indicated that it needed access to the Eagle Marine property for installation of the grout wall. Solutia indicated that the southern prong of the U-shaped wall needed to be on Eagle Marine's property immediately south of Site R. During the October 7 meeting, Solutia's Sauget Sites Project Manager Richard Williams indicated that once the wall is installed Solutia will not permit permanent structures to be located on the ground surface

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above the wall. We deem the installation and location of the wall to be a taking of the property and have so informed Solutia.

Given the limitations to be placed upon the property above the wall once the wall is in place, as well as other factors, we have taken the position with Solutia that Eagle Marine should be permitted to join any participating PRP group in exchange for Eagle Marine providing access to Solutia for installation and maintenance of the grout wall. We are awaiting Solutia's response to this proposal, and, therefore, desire the same extension requested for all UAO Respondents in the November 12 letter, specifically, January 31, 2003.

We look forward to USEPA's response. Please call me if you have any questions.

Sincerely yours,

Julie O'Keefe

JΕO